

Office of the Chapter 13 Standing Trustee

Isabel C. Balboa, Chapter 13 Standing Trustee[†]

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March 16, 2023

The Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court
P.O. Box 2067
Camden, New Jersey 08102

**RE: Chapter 13 Bankruptcy
Case No. 19-28370 (JNP)
Debtor(s) Name: Justice Watts**

Dear Judge Poslusny:

Please accept this letter in lieu of a more formal response and in opposition to Debtor's Motion to Vacate Dismissal Order, which is returnable on March 28, 2023, at 11 a.m.

Debtor filed a Chapter 13 Bankruptcy Petition on September 27, 2019. The Court entered an Order Confirming Debtor's plan on December 5, 2019, for \$2,380 paid to date, then \$1,200 for fifty-eight (58) months to pay administrative fees of \$4,750; Internal Revenue Service for \$6,700, mortgage arrears to Freedom Mortgage for \$43,238.71, and pro rata dividend to the unsecured creditors who timely filed a proof of claim.

The Trustee filed a certificate of default on December 29, 2022. The last payment received by Debtor was on December 19, 2022, and reflects arrears of \$5,981. Debtor filed opposition on January 11, 2023 (Doc 58) stating that she made a payment of \$4,000 toward the arrears and could cure remaining arrears by March 1, 2023. The Court set down a hearing for February 17, 2023. The Trustee recommended dismissal and the Court entered an Order of Dismissal on February 21, 2023.

Debtor comes before the Court on a motion to vacate dismissal order certifying that she sufficient funds to bring case current. Debtor is currently delinquent for \$9,728. Debtor's Schedule J filed on September 27, 2019, reflects net income of \$1,228.30. Debtor would need to continue plan payments at \$1,790 for the remaining eighteen (18) months. The plan is not feasible.

Rushmore Loan Management Services filed a certificate of default on December 13, 2022. Debtor filed a response on December 21, 2022 (Doc. 53). Pursuant to Debtor's response, she will be curing mortgage arrears by making payment of \$9,000 prior to January 5, 2023, and curing remaining balance over twelve months. The Court set down a hearing for January 17, 2023, which was adjourned to February 7, 2023. According to the Court's docket an order is to be submitted. As of today's date, the proposed order has not been filed on the docket.

Honorable Jerrold N. Poslusny, Jr.

Case No. 19-28370 (JNP)

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Based on the foregoing, the Trustee respectfully requests that should the Court grant Debtor's motion, Debtor be required to submit an amended proposed order to Judge's chamber to include the language.

1. Debtor shall within ten (10) days
 - a. Submit plan payment of \$8000 to the Trustee
 - b. Amend Schedules I/J.
 - c. Submit all future payments via TFS or wage order.
 - d. Submit proposed order to chambers resolving motion for relief.
 - e. Should Debtor fail to comply with the terms of the Order Vacating Dismissal Order, Debtor's case shall be dismissed upon the receipt of certification by the Trustee of such non-compliance filed with the Court and served upon Debtor

As always, the Court is welcome to contact the Trustee with any concerns.

Respectfully submitted,

/s/ Isabel C. Balboa
Isabel C. Balboa
Chapter 13 Standing Trustee

ICB/kt

cc: Robert Manchel, Esquire (Via CM/ECF)
Justice Watts (Via Regular Mail)